

BOARD OF PUBLIC WORKS AND SAFETY

JULY 22nd, 2010

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Board Member Kevin Hoover called the meeting to order at 6:00 p.m.

PRESENT: Kevin Hoover, and Thom Hord; Clerk Treasurer Jeannine Myers; City Attorney Shawna Koons; City Engineer and Director of the Department of Community Development Services Mark Richards.

Mr. Hord moved to accept the regular minutes of July 8th, 2010 as presented. Second by Mr. Hoover. **Vote: Ayes. Motion carries.**

Nuisance Complaints

John Myers, Code Enforcement Officer, stated that the following nuisance complaint was abated:

- 1) 591 Greenway Street – Key

John Myers, Code Enforcement Officer, spoke on the following nuisance complaint:

- 1) 298 Polk Manor Drive – Armcam LLC

Mr. Myers stated that the property is vacant with high grass and weeds. Mr. Hord moved to find that a nuisance exists at 298 Polk Manor Drive, and directed the City Attorney to issue an Order of Abatement giving 10 days notice and failing that to authorize the City Attorney to take all steps deemed appropriate to abate the nuisance and charge the cost thereof against the property owners. Second by Mr. Hoover. **Vote: Ayes. Motion carries.**

Director of Community Development Services and City Engineer Mark Richards reviewed the following request:

Mays Chemical – Precedent South Business Center, Section 1, Block 4, Lot 4C, 400 Commerce Parkway West Drive

Fred Leimberger, Precedent Commercial Development LLC, appeared regarding the request:

- 1) Encroachment of Right of Way for Installation of Irrigation System

Moved by Mr. Hord to allow encroachment of a right of way for installation of the irrigation system subject to the owner being responsible for any cost or repair of the installation if the City had to work back there. Second by Mr. Hoover. **Vote: Ayes. Motion carries.**

Director of Community Development Services and City Engineer Mark Richards reviewed the following recommendation of Paul Peoni Engineering Division of the Department of Community Development Services:

Homecoming at university Park, Section 7

Fred Leimberger, Precedent Commercial Development LLC, appeared regarding the following requests:

- 1) Release performance bond #5019982 from Bond Safeguard Insurance Company in the amount of \$51,103.00 for the installation of the erosion control at Homecoming at University Park, Section 7.

The developer had posted this performance bond for erosion control back in April of 2006 in order to be able to obtain their land alteration permit for Homecoming at University Park, Section 7. After obtaining their land alteration permit for Section 7, the developer installed some of the infrastructure along with a portion of the erosion control and then stopped construction. As of this date, the developer has still not completed all of the infrastructure improvements and has not done any work on the site for 2 to 3 years.

There has been an inspection by Kevin Riddle of the engineering division within the last month and all of the erosion control items still appear to be in order. At this time the engineering division recommends that the Board make the motion stated above.

The engineering division recommends release of the above referenced performance bond subject to the developer understanding and acknowledging that they or anyone else will not be allowed to do any infrastructure improvements or dirt moving at Homecoming at University Park, Section 7 until a new performance guarantee for erosion control is submitted and accepted by the Board.

The developer is asking for a waiver of posting a three (3) year maintenance guarantee since the erosion control improvements that have been installed and in place for over three years appear to still be in order. As stated above, there has been an approved inspection within the last month. This decision is up to the Board.

Moved by Mr. Hord. Second by Mr. Hoover. **Vote: Ayes. Motion carries.**

The Chateaux at Woodfield – Section 2

Fred Leimberger, Precedent Commercial Development LLC, appeared regarding the following requests:

- 1) Accept the erosion control at The Chateaux at Woodfield, Section 2.
- 2) Accept three (3) year maintenance bond #5036728 from Bond Safeguard Insurance Company in the amount of \$35,492.00 for the erosion control at The Chateaux at Woodfield, Section 2.
- 3) Release performance bond #5014728 from Bond Safeguard Insurance Company in the amount of \$177,460.00 for the installation of the erosion control at The Chateaux at Woodfield, Section 2.

There has been a final inspection by Kevin Riddle of the engineering division and all erosion control items appear to be in order. At this time the engineering division recommends that the Board make the motions stated above.

Moved by Mr. Hoover. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

The Trails at Woodfield – Section 4

Fred Leimberger, Precedent Commercial Development LLC, appeared regarding the following requests:

- 1) Accept the off-site erosion control at The Trails at Woodfield, Section 4.
- 2) Release performance bond #5019981 from Bond Safeguard Insurance Company in the amount of \$19,368.00 for the installation of the off-site erosion control at The Trails at Woodfield, Section 4.

Off-site dirt work and storm sewer improvements were needed for Section 4 to be able to be constructed (see attached map). Those off-site dirt work and storm sewer improvements were accepted by the Board back in 2006. The off-site erosion control improvements were also in place in 2006 however, there was not yet a good stand of grass so acceptance was delayed.

There has been a final inspection by Kevin Riddle of the engineering division within the last month and all off-site erosion control items still appear to be in order. At this time the engineering division recommends that the Board make the motions stated above.

The developer is asking for a waiver of posting a three (3) year maintenance guarantee since the off-site erosion control improvements have been in place for over three years. As stated above, there has been an approved re-inspection within the last month. This decision is up to the Board.

Moved by Mr. Hord. Second by Mr. Hoover. **Vote: Ayes. Motion carries.**

The Trails at Woodfield – Section 5

Fred Leimberger, Precedent Commercial Development LLC, appeared regarding the following requests:

- 1) Release performance bond #5019980 from Bond Safeguard Insurance Company in the amount of \$82,070.00 for the installation of the erosion control at The Trails at Woodfield, Section 5.

The developer had posted this performance bond for erosion control back in April of 2006 in order to be able to obtain their land alteration permit for The Trails at Woodfield, Section 5. After obtaining their land alteration permit for Section 5, the developer decided to hold off on doing any of the infrastructure improvements. As of this date, the developer has still not completed any of the infrastructure improvements.

The engineering division recommends release of the above referenced performance bond subject to the developer understanding and acknowledging that they or anyone else will not be allowed to do any infrastructure improvements or dirt moving at The Trails at Woodfield, Section 5 until a new performance guarantee for erosion control is submitted and accepted by the Board.

Moved by Mr. Hord. Second by Mr. Hoover. **Vote: Ayes. Motion carries.**

County Line medical Pavillion, 333 East County Line Road

Representative Brian Cross, Civil Site Group Inc., appeared regarding the following requests:

- 1) Acknowledge the completion of the private dirt work and storm sewers (except for the entire eastern boundary and the southeast corner of the site) per the approved design plans for County Line Medical Pavilion.
- 2) Acknowledge completion of the private erosion control (except for the entire eastern boundary and the southeast corner of the site) per the approved design plans for County Line Medical Pavilion.
- 3) Accept a performance guarantee in the amount of \$25,000.00 for the reconstruction and completion of the private dirt work, storm sewer and erosion control along the entire eastern boundary and the southeast corner of the site for County Line Medical Pavilion. The engineering division would recommend that this work be completed, as-built and inspected within 60 days from this Board meeting date.
- 4) Release performance bond #5034869 from Bond Safeguard Insurance Company in the amount of \$405,910.00 for the installation of the private dirt work & storm sewer at the County Line Medical Pavilion site.
- 5) Release performance bond #5034868 from Bond Safeguard Insurance Company in the amount of \$12,675.00 for the installation of the private erosion control at the County Line Medical Pavilion site.
- 6) Acknowledge the completion of the private sanitary sewer lateral at the County Line Medical Pavilion site.
- 7) Release performance bond #5034867 from Bond Safeguard Insurance Company in the amount of \$14,685.00 for the installation of the private sanitary sewer lateral at the County Line Medical Pavilion site.
- 8) Accept the public sidewalk (pathway) along the entire frontage of the County Line Medical Pavilion site.
- 9) Accept three (3) year maintenance bond #5036035 from Bond Safeguard Insurance Company in the amount of \$1,782.00 for the installation of the public sidewalk (pathway) along the entire frontage of the County Line Medical Pavilion site.
- 10) Release performance bond #5034870 from Bond Safeguard Insurance Company in the amount of \$8,910.00 for the installation of the public sidewalk along the entire frontage of the County Line Medical Pavilion site.

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There has been a final inspection by Brock Sears of the engineering division and all items mentioned above (except for the private dirt work, storm sewer and erosion control along the eastern boundary and the southeast corner of the site) appear to have been satisfactorily installed. The sanitary sewer lateral has been installed per plans and approved by the sanitation field division. The engineering division has received acceptable paper as-builts (except for the private dirt work and storm sewer along the entire eastern boundary and southeast corner of the site). There is a balance due on the inspection and testing. The engineering division recommends that the Board make the motions above subject to the following conditions being met:

- a) Receipt of a performance guarantee in the amount of \$25,000.00 for the installation of the private dirt work, storm sewer and erosion control along the entire eastern boundary and southeast corner of the site.
- b) Review and approval of the performance guarantee in "a" above by both the law department and the engineering division.
- c) Receipt, at this time, of one (1) complete set of mylar as-builts. Once the private dirt work, storm sewer and erosion control are completed and acceptable to the City for the portion along the entire eastern boundary and southeast corner of the site, the developer must submit two (2) complete sets (entire site) of mylar as-builts at that time.
- d) Payment of the balance of the inspection and testing fees due.
- e) Receipt of two (2) copies of the executed Operations and Maintenance Manuals for the water quality structures. Even though these will be under the jurisdiction of Indianapolis because all of the water is going north into Marion County, the engineering division still wants the manuals for our files also.

Mr. Hoover moved to approve the recommendations of the Engineering Division including the completion of the swale work and subject to having the work inspected within sixty days. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

Audience

Jerry Ablitar, ABL Services, stated that he was contacted by Texas Roadhouse asking him to remove the trees and plants in the drainage ditch area. Mr. Richards stated that this is a drainage easement and a small portion is a utility easement. The growth in the ditch causes reductions in the flow capacity of the swale, and a lot of trash gets caught there. Mr. Richards cautioned that there is not any grubbing or excessive swale disturbance. Mr. Richards had suggested that Menards give a written letter of permission for the work to be done but they are reluctant. Mr. Ablitar stated that the area will not be altered other than clearing the ditch and the stumps will be left in the ground. Mr. Hoover moved to authorize Texas Roadhouse to have trees and debris cleared out of the drainage and utility easements and that there not be and grubbing or any disturbance to the swale. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

City Attorney Status of Tasks

City Attorney Shawna Koons confirmed that everyone received the Memorandum of Status of Tasks and asked if there were any questions.

City Attorney Shawna Koons presented the following:

Approval of Professional Services Agreement with Ice Miller for Legal Services Regarding Bond Issue to Refund 1997 Sewer Revenue Bonds and Issue New Sewer Revenue Bond

Lisa Lee of Ice Miller submitted information to the City to provide bond counsel services regarding the refund of the 1997 sewer bonds and issuance of a new revenue bond. The exact proposed fees for the necessary services are unknown because the details of the transaction are not known at this time; however, the fees shall be based on an hourly billing rate and reimbursement of expenses, with the total dependent upon actual time expended, not to exceed Twenty-Five Thousand Dollars (\$25,000). The fees shall be paid from the proceeds of a bond issue. The ordinance regarding the bond issues is

scheduled for introduction at the August 2, 2010 Common Council meeting so it is prudent to finalize the agreement as soon as possible so Ice Miller may begin work. The City Attorney has prepared the standard Professional Services Agreement for the services for signature by the parties, a copy of which is attached to the Status of Tasks for review and consideration by the Board.

Mr. Hoover moved to hire Ice Miller, and to approve the Professional Services Agreement with Ice Miller as presented by the City Attorney, for legal services regarding the bond issue for the refund of the 1997 sewer bonds and the issuance of a revenue bond, and to authorize the Mayor to sign the Agreement in the Board's behalf. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

City Attorney Shawna Koons stated that Walter's Body Shop, 751 Hyatt Street, had a sewer service agreement from 2004. There was a commitment that they would construct a sewer line that would be connected to the City, but did not bring it before the Board for acceptance. Staff needs to be directed to contact Walter's Body Shop to have them appear before the Board. The City is getting calls requesting to connect to the sewer line. Moved by Mr. Hoover. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

City Engineer

Director of Community Development Services and City Engineer Mark Richards reviewed the following change orders:

2010 Bituminous Overlay Project – Change Order #1

Mr. Richards stated that there are many changes for the project and it increases the contract price by \$50,000. Further explanation regarding the change order followed. The project was paid out of both the CCD Fund and the Restricted Donation Fund for Worthsville Road. Mr. Hoover asked where the extra \$50,000 would be paid from. Mr. Richards stated that it cannot come out of the Restricted Donation Fund for Worthsville Road. Mr. Richards asked for approval of the change order and authorize the Mayor to sign on the Board's behalf. Moved by Mr. Hord. Second by Mr. Hoover. **Vote: Ayes. Motion carries.**

2009 Street Reconstruction Project – Change Order #1

Mr. Richards stated that this is the final change order and it decreases the contract amount by \$68,507.72. Moved by Mr. Hoover. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

Director of Community Development Services and City Engineer Mark Richards reviewed the following recommendations:

New Position – Sanitation Engineer – A job description for the position of Sanitation Engineer has been prepared at the direction of the Mayor. The job description indentifying specific duties and responsibilities, as well as job knowledge, experience, skills, and required abilities is attached. The position will report to the Director CDS / City Engineer, and will be funded at 100% by the Sanitation Utility. The job description has been reviewed and approved by the Mayor and HR Director.

The recommended salary level for this position is \$62,500 per year and is based upon research of similar municipal positions within central Indiana, salary survey information available on various websites, and inquiries made of engineering firms regarding compensation levels for civil engineers holding their Indiana Engineering Registration and having approximately 5 years applicable experience. The salary level has also been compared with compensation levels of other positions within CDS, and has been found to be at an appropriate level.

Mr. Hord moved to approve the job description and salary amount for the position of Sanitation Engineer. Second by Mr. Hoover. **Vote: Ayes. Motion carries.**

Unit Prices for Guarantee Estimates – Unit construction prices were last updated and approved by the BPW&S on February 22, 1999. Staff is currently obtaining updated unit price information as well as evaluating additional items to be included on the list such as mechanical water quality structures, erosion control materials, and polyethylene pipe. Although staff is not yet ready to present a comprehensive update to the Unit Price Sheet, it is prudent to request that certain items be increased at this time to provide a greater degree of protection to the City. It is requested that the Board approve an increase in unit pricing as follows:

Item	Current Unit Price	Proposed Unit Price
Concrete street with integral curb	\$20.65 / sq yd	\$35.00 / sq yd
Curb and gutter	\$10.00 / lineal ft.	\$16.50 / lineal ft.
Bituminous base	\$37.50 / ton	\$52.50 / ton
Bituminous binder	\$41.25 / ton	\$57.00 / ton
Bituminous surface	\$43.75 / ton	\$73.00 / ton
Concrete sidewalks	\$11.00 / lineal ft. (4 ft. width)	\$38.00 / sq yd
Asphalt pathway	N/A	\$30.00 / sq yd

Mr. Hoover moved to approve changes and additions to the Unit Construction Price Sheet as described above, effective immediately. Second by Mr. Hord. **Vote: Ayes. Motion carries.**

Human Resources

None.

Director of Operations

None.

Clerk Treasurer

None.

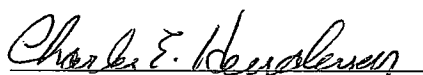
Claims


Mr. Hord moved to accept and approve the claims as presented through July 22th 2010. Second by Mr. Hoover. **Vote: Ayes. Motion carries.**

Mayor

Mr. Hord stated that since what he had said had been on record at the last meeting, not necessarily criticizing but stating what his view points were, that he would like to let the Clerk Treasurer know his apologies for not addressing her on an individual basis, but in a public forum. Mr. Hord stated that he wanted to tell her that he is sorry, and tell the department he is sorry. It wasn't anything that the department isn't doing, it's doing a great job, and he appreciates what she does.

With no further business, the meeting adjourned at 6:37 p.m.


Mayor Charles Henderson


Clerk Treasurer Jeannine Myers